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**VIA ECF**

Hon. Paul G. Gardephe  
United States District Judge  
Thurgood Marshall U.S. Courthouse  
40 Foley Square, Room 705  
New York, NY 10007

**RE: Sullivan v. Hwang et al., Case No. 1:22-cv-05675 (PGG)**

Dear Judge Gardephe:

I write on behalf of Plaintiff Brendan Sullivan, and pursuant to Rule IV of Your Honor's Individual Rules of Practice supplement Plaintiff's prior pre-motion letter addressing arguments raised by the Defendants regarding potential motions to dismiss. (ECF No. 108). Defendants have previously raised challenges to Plaintiff's domicile for the purposes of establishing diversity jurisdiction. (See ECF No. 105, n.1). In response, Plaintiff indicated that he was willing to submit a declaration and supporting documentation demonstrating by clear and convincing evidence of his residence in Tennessee and intention to remain there in order to establish domicile in Tennessee. (ECF No. 108, n.7). On the Court's request, filed alongside this letter is the Declaration of Brendan Sullivan (the "Declaration"), along with supporting documentation, establishing Plaintiff's domicile in Tennessee. The Declaration establishes by clear and convincing evidence that the Plaintiff was a Tennessee domiciliary as of the date this action was commenced and intends to remain there. See *Reynolds v. Wohl*, 332 F.Supp.2d 653, 659 (S.D.N.Y. 2004) (finding the documentation provided established by clear and convincing evidence that the plaintiff was diverse of all parties as of the filing of the lawsuit).

Sincerely,

**BROWN RUDNICK LLP**



Richard E. Darst

cc: All Counsel, via ECF